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Receipt

PATENT  
ATTORNEY DOCKET NO.: JHU1400-1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Harry C. Dietz Art Unit: 1635  
Application No.: 09/163,289 Examiner: M. Schmidt  
Filed: September 29, 1998  
Title: DELIVERY CONSTRUCT FOR ANTISENSE NUCLEIC ACIDS  
AND METHODS OF USE

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TECH CENTER 1600/2900

Commissioner for Patents  
Office of Initial Patent Examination  
Customer Service Center  
Washington, D.C. 20231

**TRANSMITTAL LETTER**

Sir:

Transmitted herewith for filing in connection with the above-identified patent application,  
please find the following:

- (1) Request for Corrected Filing Receipt; (2 pgs)
- (2) Copy of Filing Receipt reflecting changes; (2 pgs)
- (3) Copy of Patent Application Transmittal Letter; (2 pgs) and
- (4) Return postcard.

**CERTIFICATION UNDER 37 CFR §1.8**

I hereby certify that the documents referred to as enclosed herein are  
being deposited with the United States Postal Service as first class  
mail on this date, 8-28-2, in an envelope addressed to:  
Commissioner for Patents, Washington, D.C. 20231

Aldon Griffiths  
(Name of Person mailing Paper)

Aldon Griffiths August 28, 2002  
(Signature of Person Mailing Paper) Date

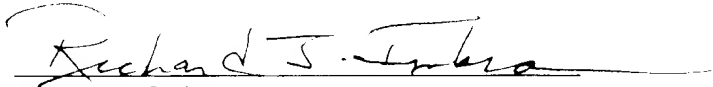
In re Application of:  
Application No.: 09/163,289  
Filed: September 29, 1998  
Page 2

PATENT  
Harry C. Dietz  
Attorney Docket No.: JHU1400-1

No fee is deemed necessary in connection with the filing of this paper. However, if any fee is required, the Commissioner is hereby authorized to charge the amount of this fee, or credit any overpayments, to Deposit Account No. 50-1355. A copy of this Transmittal Letter is enclosed.

Respectfully submitted,

Date: August 28, 2002

  
Richard J. Imbra  
Registration No. 37,643  
Telephone: (858) 677-1496  
Facsimile: (858) 677-1465

**USPTO CUSTOMER NO. 28213**

GRAY CARY WARE & FREIDENRICH LLP  
4365 Executive Drive, Suite 1100  
San Diego, California 92121-2133



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REQUEST FOR CORRECTION OF FILING RECEIPT

Sir:

This Communication is submitted to request correction of the filing receipt in reference to the above-identified application. The data requiring correction is indicated in yellow highlight on the attached copy of the filing receipt and herein in **BOLD**.

Please change the Docket No. from "07265/098002" to **--JHU1400-1--**.

Applicant accordingly requests the correction be made of record.

CERTIFICATION UNDER 37 CFR §1.8	
I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, <u>8-28-2</u> , in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231	
<u>Aldon Griffiths</u> (Name of Person mailing Paper)	
<u>Aldon Griffiths</u> (Signature of Person Mailing Paper)	<u>August 28, 2002</u> Date

In re Application of:  
Application No.: 09/163,289  
Filed: September 29, 1998  
Page 2

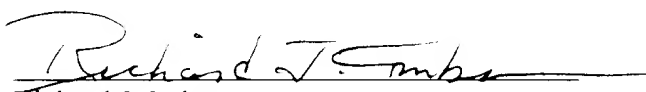
PATENT  
Harry C. Dietz  
Attorney Docket No.: JHU1400-1

No fee is deemed necessary in connection with the filing of this paper. However, if any fee is required, the Commissioner is hereby authorized to charge the amount of this fee, or credit any overpayments, to Deposit Account No. 50-1355.

Respectfully submitted,

Date:

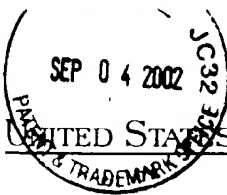
August 28, 2002



Richard J. Imbra  
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Facsimile: (858) 677-1465

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## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/163,289	09/29/1998	1635	395	072651098002- JH01400-1	4	20	1

LISA A HAILE  
GRAY CARY WARE AND FREIDENRICH, LLP  
4365 EXECUTIVE DRIVE  
SUITE 1600  
SAN DIEGO, CA 92121-2189

PATENT DOCKETING

AUG 05 2002

CONFIRMATION NO. 9819

CORRECTED FILING RECEIPT



\*OC000000008534047\*

Date Mailed: 07/29/2002

Receipt is acknowledged of a CPA in this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

## Applicant(s)

HARRY C. DIETZ, TOWSON, MD; ✓

## Domestic Priority data as claimed by applicant

THIS APPLICATION IS A DIV OF 08/742,943 10/31/1996 PAT 5,814,500 ✓

## Foreign Applications

If Required, Foreign Filing License Granted 10/14/1998

CPA filed on: 05/15/2002

Projected Publication Date: 11/07/2002

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\* ✓

## Title

DELIVERY CONSTRUCT FOR ANTISENSE NUCLEIC ACIDS AND METHODS OF USE ✓

## Preliminary Class

514

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**LICENSE FOR FOREIGN FILING UNDER**  
**Title 35, United States Code, Section 184**  
**Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15 (b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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May 15, 2002

OUR FILE NO. 104659-157060

Attorney Docket No.: JHU1400-1 (07265/098002)

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ATTN: BOX CPA  
Commissioner for Patents  
Washington, D.C. 20231

TECH CENTER 1600/2900

This paper is a request for a **continued prosecution application** under 37 C.F.R. § 1.53(d) of:

Applicants: Harry C. Dietz  
Title: DELIVERY CONSTRUCT FOR ANTISENSE NUCLEIC ACIDS  
AND METHODS OF USE  
Prior U.S. Application No.: 09/163,289  
Filing date: September 29, 1998

The prior application was complete as defined by 37 C.F.R. § 1.51(b), or was a national stage of an international application filed in compliance with 35 U.S.C. § 371.

This request for a CPA is the reference to the prior application noted above as required by 35 U.S.C. § 120. Kindly abandon the prior application in favor of the continued proceedings that are requested herein.

Applicants respectfully request entry of the Preliminary Amendment mailed herewith.

The prior application is assigned of record to THE JOHNS HOPKINS UNIVERSITY SCHOOL OF MEDICINE, by virtue of an Assignment submitted to the Patent and Trademark Office for recording on March 10, 1997, at Reel No. 8537, Frame No. 0233.

EXPRESS MAIL Number: EV047294965 US  
Date of Deposit: May 15, 2002

I hereby certify that this paper is being deposited with the United States Postal Service

"EXPRESS MAIL Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: ATTN: BOX CPA, Commissioner for Patents, Washington, D.C. 20231

JASON BERRY

(Name of Individual Depositing with P.O.)

(Signature of Individual Depositing with P.O.)

**Gray Cary Ware & Freidenrich LLP**

Box CPA  
May 15, 2002  
Page Two

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This request includes Three (3) sheets, and the following:

- Petition for Five (5) Months Extension of Time;
- Preliminary Amendment
- Terminal Disclaimer
- Check No.: 509085 for \$1,350.00; and
- Return Receipt Postcard;

The entire disclosure of the prior application is considered as being part of the disclosure of accompanying application and is incorporated by reference.

Applicants claim **SMALL ENTITY status** in the above-identified application. Pursuant to 37 C.F.R. § 1.27, a verified statement claiming small entity status is not required.

Enclosed please find Check No. 509085 in the amount of \$1,350.00; which consists of \$370.00 for the basic filing fee and \$980.00 for the Five (5) Months Extension of Time fee. Please charge any additional required fees or credit any overpayments, to Deposit Account No. 50-1355, referencing the Attorney Docket number shown above. A copy of this transmittal letter is attached.

If this application is found to be INCOMPLETE, or if a telephone conference would otherwise be helpful, please call the undersigned at (858) 677-1456.

Kindly acknowledge receipt of this application by returning the enclosed postcard.  
All future correspondence should be addressed to:

**Lisa A. Haile, J.D., Ph.D.**  
**GRAY CARY WARE & FREIDENRICH LLP**  
4365 Executive Drive, Suite 1100  
San Diego, CA 92121-2133  
Telephone: (858) 677-1456  
Facsimile: (858) 677-1465  
CUSTOMER No.: 28213

Respectfully submitted,

GRAY CARY WARE & FREIDENRICH LLP



Lisa A. Haile, J.D., Ph.D.  
Registration No. 38,347

\_\_\_\_\_  
May 15, 2002  
Date

Enclosures  
Gray Cary GF62941061  
104659-157000